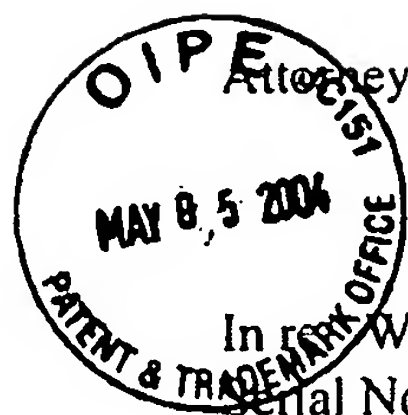


J. FW



Attorney Docket No. 5573-123DV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whittle *et al.*

Confirmation No.: 9050

Serial No.: 10/651,225

Filed: August 28, 2003

For: *FT-Raman Spectroscopic Measurement*

Date: May 3, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of August 28, 2003 rather than August 29, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of August 28, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt showing "acceptance" or deposit date with the USPS on August 28, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicants were improperly given the filing date of August 29, 2003 instead of the Express Mail date of August 28, 2003.

This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. Accordingly, Applicants respectfully request the granting of August 28, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicants properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicants' belief that no fee is due

In re: Whittle *et al.*  
Serial No.: 10/651,225  
Filed: August 28, 2003  
Page 2

with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

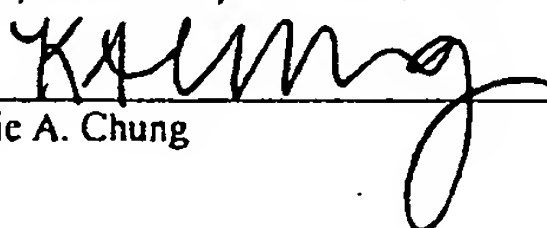


Jarett K. Abramson  
Attorney For Applicants  
Registration No. 47,376

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

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Katie A. Chung



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5573-123DV

DATE: August 28, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

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P.O. Box 1450

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Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

☐ a patent application

☐ a Continuation ☒ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: 09/649,447; filed August 25, 2000, the disclosure of which is incorporated herein by reference in its entirety.

☒ and claims the benefit of Provisional Application No. 60/150,878; filed August 26, 1999.

Inventor(s) or Application Identifier:

Robert R. Whittle

Frederick D. Sancilio

Grayson Walker Stowell

Entitled:

**FT-Raman Spectroscopic Measurement**

Myers Bigel Sibley & Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 25 pages of Specification (including 2 claims)
3. ☒ 3 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below])
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☒ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

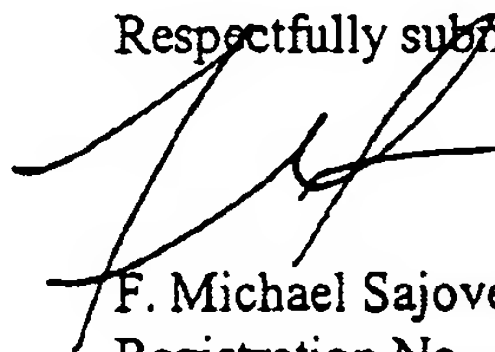
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s) Filed in Prior Application, Copy enclosed*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 0 references cited
11. ☒ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

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|   | Column 1<br>No. Filed | Column 2<br>No. Extra | Small Entity<br>Rate Fee | Large Entity<br>Rate Fee |
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| BASIC FEE   |                       |                       | \$375.00                 | \$ 750.00                |
| TOTAL CLAIMS  | 2 - 20 =              | 0                     | x 09 = \$                | x 18 = \$                |
| INDEP CLAIMS  | 1 - 3 =               | 0                     | x 42 = \$                | x 84 = \$                |
| <input type="checkbox"/> MULTIPLE Dependent Claims Presented              |                       |                       | + 140 = \$               | + 280 = \$               |
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- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
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- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



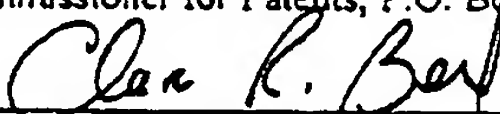
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Registration No. 31,793

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J. FW



Attorney Docket No. 5573-123DV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whittle *et al.*

Confirmation No.: 9050

Serial No.: 10/651,225

Filed: August 28, 2003

For: *FT-Raman Spectroscopic Measurement*

Date: May 3, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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In re: Whittle *et al.*  
Serial No.: 10/651,225  
Filed: August 28, 2003  
Page 2

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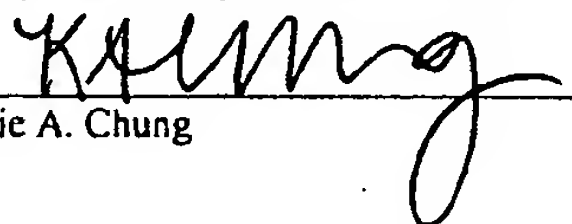


Jarett K. Abramson  
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Registration No. 47,376

**USPTO Customer No. 20792**  
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ATTY DOCKET NO.: 5573-123DV

DATE: August 28, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

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☐ a patent application

☐ a Continuation ☒ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: 09/649,447; filed August 25, 2000, the disclosure of which is incorporated herein by reference in its entirety.

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Inventor(s) or Application Identifier:

Robert R. Whittle

Frederick D. Sancilio

Grayson Walker Stowell

Entitled:

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Telephone: (919) 854-1400

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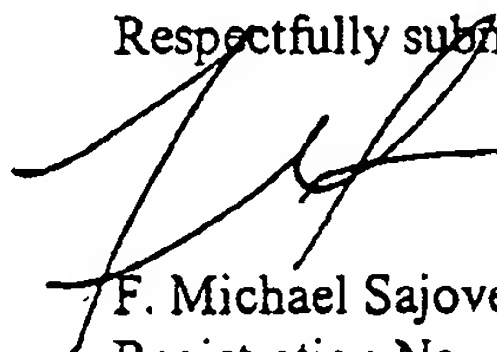
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| TOTAL CLAIMS  | 2 - 20 =              | 0                     | x 09 = \$                | x 18 = \$                |
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| <input type="checkbox"/> MULTIPLE Dependent Claims Presented              |                       |                       | + 140 = \$               | + 280 = \$               |
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Respectfully submitted,




F. Michael Sajovec  
Registration No. 31,793

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09-10-03 A09:56

Serial No. To Be Assigned

Inventor: Whittle et al.

Sir: Kindly acknowledge receipt of the accompanying items listed below by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:

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☒ IDS & PTO-1449 & refs.

☒ No. of Claims 2

☐ Amendment & Amend. Transmittal

☒ Declaration & POA

☒ Preliminary Amendment

☒ Assignment and Fee

☐ Issue Fee

☐ Small Entity Statement

☐ Brief

☒ Formal Drawings/ 3 sheets

☐ Appeal

☐ Associate Power of Attorney

☐ Submittal of Priority Doc.

☒ Exp. Mail ☐ 1st Class Mail

Other: 22387 U.S. PTO

10/651225



08/29/03

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant



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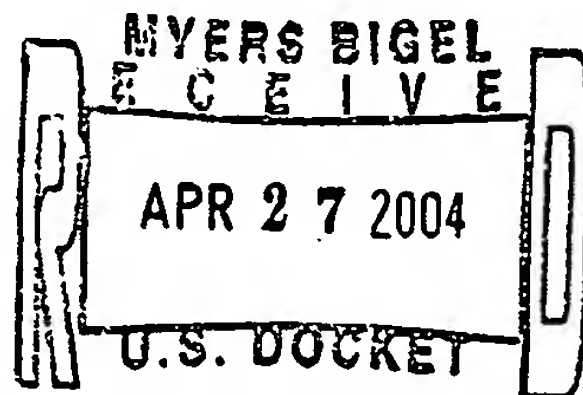
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CONFIRMATION NO. 9050

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\*OC000000012435545\*

Date Mailed: 04/23/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Robert R. Whittle, Wilmington, NC;  
Frederick D. Sancilio, Wilmington, NC;  
Grayson Walker Stowell, Wilmington, NC;

**Domestic Priority data as claimed by applicant**

This application is a DIV of 09/649,447 08/25/2000  
which claims benefit of 60/150,878 08/26/1999

**Foreign Applications**

If Required, Foreign Filing License Granted: 04/22/2004

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

**Title**

FT-Raman spectroscopic measurement

04-26-04 A10:15 IN



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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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